

ASSEMBLY BILL

No. 335

Introduced by Assembly Members Wayne and Cunneen

February 18, 1997

An act to add Section 25184.1 to the Health and Safety Code, relating to hazardous waste and substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 335, as introduced, Wayne. Hazardous waste and substances: administrative penalties.

(1) Under existing law, the Department of Toxic Substances Control, a unified program agency, authorized local health officer, or designated local public officer, as prescribed, is authorized to issue an order specifying a schedule for compliance or correction with certain statutes, including the hazardous waste control laws and the Carpenter-Presley-Tanner Hazardous Substance Account Act (California Superfund) and to impose an administrative penalty if there is a violation of those laws or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to those laws.

This bill would allow the department to apply to the clerk of the appropriate court to collect an administrative penalty imposed pursuant to the hazardous waste control laws or the hazardous substance account act, after the time for judicial review of the department's decision has expired. The bill would require the court clerk to enter judgement immediately, thereby imposing a state-mandated local program by imposing new duties upon local agencies. The bill

would provide that the judgement has the same force and effect as a judgement in a civil action and may be enforced, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25184.1 is added to the Health
2 and Safety Code, to read:

3 25184.1. After the time for judicial review of the
4 department's decision imposing an administrative
5 penalty pursuant to this chapter or Chapter 6.8
6 (commencing with Section 25300) has expired, pursuant
7 to Section 11523 of the Government Code, the
8 department may apply to the clerk of the appropriate
9 court for a judgment to collect the administrative
10 penalty. The application, which shall include a certified
11 copy of the action, constitutes a sufficient showing to
12 warrant issuance of a judgment imposing those penalties.
13 The court clerk shall enter the judgment immediately in
14 conformity with the application. The judgment so
15 entered has the same force and effect as, and is subject to
16 all the provisions of law relating to, a judgment in a civil
17 action, and may be enforced in the same manner as any
18 other judgment of the court in which it is entered.

19 SEC. 2. Notwithstanding Section 17610 of the
20 Government Code, if the Commission on State Mandates



1 determines that this act contains costs mandated by the
2 state, reimbursement to local agencies and school
3 districts for those costs shall be made pursuant to Part 7
4 (commencing with Section 17500) of Division 4 of Title
5 2 of the Government Code. If the statewide cost of the
6 claim for reimbursement does not exceed one million
7 dollars (\$1,000,000), reimbursement shall be made from
8 the State Mandates Claims Fund.

9 Notwithstanding Section 17580 of the Government
10 Code, unless otherwise specified, the provisions of this act
11 shall become operative on the same date that the act
12 takes effect pursuant to the California Constitution.

